

1 Mark Rumold (SBN 279060)
2 *mark.rumold@gmail.com*
3 815 Eddy St.
4 San Francisco, CA 94109
5 (415) 694-1639

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7 Attorney for Plaintiff
8 William Pickard

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11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 WILLIAM LEONARD PICKARD,

15 Plaintiff,

16 v.

17 DEPARTMENT OF JUSTICE,

18 Defendant.

Case No.: 3:06-cv-00185-CRB

**MOTION TO WITHDRAW AS
COUNSEL; [PROPOSED] ORDER**

Hon. Charles R. Breyer
Ctrm. 6, 17th Floor

19 Pursuant to Local R. 11-5, Mark Rumold seeks leave of Court to withdraw as counsel for
20 Plaintiff in this matter.

21 Mr. Rumold conferred with opposing counsel prior to filing this motion. Opposing counsel
22 indicated that the government took no position on the motion and would not file an opposition.

23 Good cause exists for this request as follows:

24 1. Mr. Rumold has provided Plaintiff, Mr. Pickard, with *pro bono* representation in
25 this matter since 2012.

26 2. Throughout this period, Mr. Rumold worked full-time for a non-profit legal
27 organization. Because this case was outside the scope of the organization's mandate, Mr. Rumold
28 undertook this representation by himself and on his own time, using evenings and weekends to
perform the majority of the work in this case—hundreds of hours over the course of six years.

3. On September 10, 2018, Mr. Rumold will begin a one-year clerkship on the Ninth Circuit Court of Appeals. This change in employment requires Mr. Rumold to terminate all ongoing representations, including his representation of Mr. Pickard.

4. Mr. Rumold provided notice to Mr. Pickard of his need to withdraw from this matter in Spring 2018. Mr. Pickard consents to the withdrawal.

5. Mr. Rumold has diligently sought—thus far unsuccessfully—to locate substitute *pro bono* counsel. Mr. Rumold will continue to search for substitute counsel until his clerkship begins. Alternatively, and to the extent the Court sees fit, Mr. Pickard respectfully requests the Court appoint substitute counsel.

6. Until counsel is identified, Mr. Pickard intends to proceed *pro se*.

7. Mr. Rumold's withdrawal will not substantially burden the parties¹ or unduly delay resolution of the case. The case is currently stayed, pending resolution of Mr. Pickard's petition for certiorari.² See Dkt. No. 294. This stay affords Mr. Pickard additional time to identify and retain substitute *pro bono* counsel before proceedings resume in this Court. Additionally, as a result of ongoing litigation in federal district court in Kansas, the government has agreed to unseal many of the records at issue in this case. See *Notice of Intent to Comply with Court Order*, filed in *United States v. Pickard*, 00-cr-40104 (D. Kan. May 23, 2018) (ECF No. 823). Depending on the government's disclosures, that unsealing could work to substantially narrow the remaining matters in dispute. And, finally, even if Mr. Pickard must ultimately proceed *pro se*, he is a sophisticated litigant with knowledge of and experience with the applicable law. Although constrained by resources and his circumstances, he will represent his interests capably.

8. Mr. Rumold has also complied with all applicable Rules of Professional Conduct. See Ca. Rules of Professional Conduct 3-700.

For all these reasons, Mr. Rumold respectfully asks that the Court grant his motion to withdraw in this matter.

¹ Mr. Rumold's withdrawal will not prejudice or burden the government.

² Mr. Rumold is not counsel of record for Mr. Pickard's petition before the Supreme Court.

1 Dated: August 23, 2018

Respectfully submitted,

2 By: /s/ Mark Rumold
MARK RUMOLD

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5 The above withdrawal of counsel is approved and so **ORDERED**.
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8 DATED: _____

HONORABLE CHARLES R. BREYER
UNITED STATES SENIOR DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2018, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

Executed on August 23, 2018, in San Francisco, California.

/s/ Mark Rumold

Mark Rumold